

A3
a detection unit adapted to detect an Internet facsimile mode of a
communication partner's apparatus during communication in the G3 facsimile mode; and
a transmission unit adapted to transmit an image in the Internet facsimile mode
of the communication partner's apparatus detected by said detection unit,
wherein the plurality of Internet facsimile modes comprise a simple mode, a
full mode, and a real time mode.

REMARKS

This application has been reviewed in light of the Office Action dated July 30, 2002. Claims 66-68, 70-74 and 89 are presented for examination, of which Claims 66 and 89 are in independent form. Claims 1-65, 69, and 75-88 have canceled, without prejudice or disclaimer of the subject matter presented therein. New Claim 89 has been added to provide Applicant with a more complete scope of protection. Claims 66-68 and 70-74 have been amended as to matters of form and/or to define more clearly what Applicant regards as his invention. Favorable reconsideration is requested.

As an initial matter, Applicant confirms the election to prosecute the invention of Group I (Claims 1-22 and 27-74) in the present application, of which Claims 66-68 and 70-74 remain. New Claim 89 is an apparatus claim corresponding to Claim 66 and, therefore, is respectfully submitted to belong to Group I.

Submitted herewith is a Letter Submitting Corrected Drawing, in which the typographical errors noted in section 5 of the Office Action are corrected. Accordingly,

withdrawal of the objection to the drawings is respectfully requested.

Claims 1 and 27 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Cancellation of those claims renders their rejections moot.

The Office Action rejected Claims 1-4, 7-15, 18-22, 27-30, 33, 34, 42-44, 52-55, 58, 59, and 66-68 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,521,719 (Yamada). Claims 5, 6, 16, 17, 31, 32, 56, and 57 stand rejected under § 103(a) as being unpatentable over Yamada in view of U.S. Patent No. 6,211,972 (Okutomi et al.). Claims 35-39, 45-49, 60-64, and 69-72 stand rejected under § 103(a) as being unpatentable over Yamada in view of U.S. Patent No. 5,872,845 (Feder). Claims 40, 50, and 73 stand rejected under § 103(a) as being unpatentable over Yamada in view of Feder, and further in view of Okutomi et al. Claims 41, 51, 65, and 74 stand rejected under § 103(a) as being unpatentable over Yamada in view of Feder, and further in view of International Publication No. WO 97/10668 (Kulakowski).

Cancellation of Claims 1-65, 69, and 75-88 renders their rejections moot.

Please note that the essential subject matter of canceled Claim 69 has been incorporated into amended independent Claim 66. Applicant submits that independent Claims 66 and 89, together with the claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

The aspect of the present invention set forth in Claim 66 is directed to an image communication method that utilizes a plurality of Internet facsimile modes and a G3 facsimile mode. According to the method, an Internet facsimile mode of a communication

partner's apparatus is detected during communication in the G3 facsimile mode, and an image is transmitted in the detected Internet facsimile mode of the communication partner's apparatus. The plurality of Internet facsimile modes include a simple mode, a full mode, and a real time mode.

One important feature of Claim 66 is that the method transmits an image based on a detected communication mode of a communication partner's apparatus.

Yamada, as understood by Applicant, discloses a communication apparatus having an improved G3 facsimile function, which enables it to communicate using CCITT standards. Feder, as understood by Applicant, relates to a system for interfacing facsimile machines to digital communication networks. Applicant submits that a combination of Yamada and Feder, assuming such combination would even be permissible, would fail to teach or suggest an image communication method that utilizes a G3 facsimile mode and a plurality of Internet facsimile modes, including a simple mode, a full mode, and a real time mode, wherein the method detects an Internet facsimile mode of a communication partner's apparatus during communication in the G3 facsimile mode, and transmits an image in the detected Internet facsimile mode of the communication partner's apparatus.

The Office Action concedes that Yamada "fails to particularly teach if the plurality of Internet facsimile modes comprise a simple mode, a full mode, and a real time mode," and alleges that Feder (column 1, lines 49-58; column 7, lines 55-57; column 5, lines 51-66; and column 7, lines 64-67) remedies Yamada's deficiency. Applicant submits, however, that the cited portions of Feder merely disclose: a pre-message facsimile procedure using a digital

identification signal (DIS), which includes information for determining an appropriate data encoding (compression) format (column 1, lines 49-58); that a portion of a facsimile message is temporarily stored while an interface continues to receive a remainder of the message (column 7, lines 55-57); that a facsimile apparatus includes an encrypter and a decrypter (column 5, lines 51-66); and that an interface includes a real-time mode in which nothing is stored in memory (column 7, lines 64-67).

Applicant respectfully submits that nothing in column 7, lines 55-57, of Feder is equivalent to or suggestive of the simple mode of Claim 66, which is described on page 14, line 19 *et seq.*, of the specification, for example. Further, nothing in column 5, lines 51-66 of Feder is believed to disclose or suggest the full mode of Claim 66, which is described on page 36, line 10 *et seq.*, of the specification, for example.

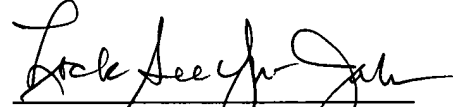
Accordingly, Applicant submits that Claim 66 is patentable over a combination of Yamada and Feder. Independent Claim 89 is an apparatus claim corresponding to Claim 66, and is believed to be patentable for at least the same reasons as discussed above. The other rejected claims in this application depend from Claim 66 and, therefore, also are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by

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Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE TO CLAIMS

Claims 1-65 have been canceled.

66. (Amended) An image communication method [having an] that utilizes a plurality of Internet facsimile [mode] modes and a G3 facsimile mode, said method comprising the steps of:

detecting an Internet facsimile mode of a communication partner's apparatus during communication in the G3 facsimile mode; and

transmitting an image in the Internet facsimile mode [in accordance with the detected Internet facsimile mode] of the communication partner's apparatus detected in said detecting step,

wherein the plurality of Internet facsimile modes comprise a simple mode, a full mode, and a real time mode.

67. (Amended) An image communication method according to Claim 66, wherein the detected Internet facsimile mode of the communication partner's apparatus is stored, and

wherein image data is transmitted [in the Internet facsimile mode] in accordance with the stored Internet facsimile mode of the communication partner's apparatus.

68. (Amended) An image communication method according to Claim 67, [wherein it is determined] further comprising the step of determining whether or not the

communication is a first communication operation with the communication partner's apparatus in the Internet facsimile mode, [and]

wherein image data is transmitted in the G3 facsimile mode in a first communication operation, based on a determination that the communication with the communication partner's apparatus is the first communication operation in the Internet facsimile mode [with the communication partner's apparatus], and

wherein image data is transmitted in the Internet facsimile mode [in accordance with the Internet facsimile mode] of the communication partner's apparatus, based on a determination that the communication with the communication partner's apparatus is not a first communication operation in the Internet facsimile mode [with the communication partner's apparatus].

Claim 69 has been canceled.

70. (Amended) An image communication method according to Claim [69] 66, wherein, when shifting to the Internet facsimile mode, one of the simple mode, the full mode and the real time mode is selected from among the plurality of Internet facsimile modes possessed by the communication partner's apparatus according to predetermined priority, and communication in the selected Internet facsimile mode is performed.

71. (Amended) An image communication method according to Claim 70, wherein [the] selection is performed in [the] order of the real time mode, the full mode, and the simple mode.

72. (Amended) An image communication method according to Claim 70, wherein, when the simple mode or the full mode of Internet facsimile has been selected, an Internet facsimile communication [means] apparatus is caused to transmit an E-mail [where] in which an image file formed in accordance with [each] the selected mode is added.

73. (Amended) An image communication method according to Claim 72, wherein the image file comprises a TIFF file, and wherein [the] an Internet address comprises an E-mail address.

74. (Amended) An image communication method according to Claim 70, wherein, when the real time mode has been selected, an Internet facsimile communication [means] apparatus is caused to convert a procedure signal and image data into TCP packets, transmit the [obtained] TCP packets according to a T30 facsimile procedure, and convert TCP packets received from the communication partner's apparatus into a T30 frame.

Claims 75-88 have been canceled.